

12/20/01



10031 U.S. PTO

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 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 70012-36-CIP  
First Inventor Tyrone L. Hardy  
Title WHOLE BODY STEREOTACTIC  
LOCALIZATION SYSTEM  
Express Mail Label No. EV017080997US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 30]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
5. Oath or Declaration [Total Pages 10]
- a. ☒ Newly executed (original or copy) [UNSIGNED]
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: Associate Power of Attorney;  
Request and Certification Under 35 USC  
122(b)(2)(B)(i)

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No.: 09, 477,397

Prior application information:

Examiner R. Qaderi

Group I Art Unit: 3737

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

Name	05179			
	PATENT TRADEMARK OFFICE			
Address				
City		State		Zip Code
Country		Telephone		Fax

Name (Print/Type)	Katy C. Fain	Registration No. (Attorney/Agent)	42,520
Signature	Katy C. Fain	Date	December 20, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 448

## Complete if Known

Application Number  
Filing Date December 20, 2001  
First Named Inventor Tyrone L. Hardy  
Examiner Name  
Group Art Unit  
Attorney Docket No. 70012-36-CIP

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number Peacock, Myers & Adams  
Deposit Account Name 13-4213

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 370

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 24 - 20\*\* = 4 X Fee from below 9 = 36  
Independent Claims 4 - 3\*\* = 1 X 42 = 42  
Multiple Dependent Claims =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue Independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 78

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105 130		205 65		Surcharge - late filing fee or oath	
127 50		227 25		Surcharge - late provisional filing fee or cover sheet	
139 130		139 130		Non-English specification	
147 2,520		147 2,520		For filing a request for <i>ex parte</i> reexamination	
112 920*		112 920*		Requesting publication of SIR prior to Examiner action	
113 1,840*		113 1,840*		Requesting publication of SIR after Examiner action	
115 110		215 55		Extension for reply within first month	
116 400		216 200		Extension for reply within second month	
117 920		217 460		Extension for reply within third month	
118 1,440		218 720		Extension for reply within fourth month	
128 1,960		228 980		Extension for reply within fifth month	
119 320		219 160		Notice of Appeal	
120 320		220 160		Filing a brief in support of an appeal	
121 280		221 140		Request for oral hearing	
138 1,510		138 1,510		Petition to institute a public use proceeding	
140 110		240 55		Petition to revive - unavoidable	
141 1,280		241 640		Petition to revive - unintentional	
142 1,280		242 640		Utility issue fee (or reissue)	
143 460		243 230		Design issue fee	
144 620		244 310		Plant issue fee	
122 130		122 130		Petitions to the Commissioner	
123 50		123 50		Processing fee under 37 CFR 1.17(q)	
126 180		126 180		Submission of Information Disclosure Stmt	
581 40		581 40		Recording each patent assignment per property (times number of properties)	
146 740		246 370		Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740		249 370		For each additional invention to be examined (37 CFR § 1.129(b))	
179 740		279 370		Request for Continued Examination (RCE)	
169 900		169 900		Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \_\_\_\_\_

## SUBMITTED BY

Name (Print/Type) Katy C. Fain Registration No. 42,520 Telephone (505) 998-1505  
Signature Katy C. Fain Date December 20, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Practitioner's Docket No. 70012-36-CIP

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Tyrone L. Hardy, et al.

Application No.: 0 / UNKNOWN

Group No.: UNKNOWN

Filed: December 20, 2001

Examiner: UNKNOWN

For: WHOLE BODY STEREOTACTIC LOCALIZATION SYSTEM

Assistant Commissioner for Patents  
Washington, D.C. 20231

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EV017080997US

Date of Deposit December 20, 2001

I hereby state that the following *attached* paper or fee

Utility Patent Application Transmittal

Fee Transmittal ( in duplicate ) with \$448 check

Specification (30 pp)

Drawings (12 sheets)

Combined Declaration and Power of Attorney (10 pp) [UNSIGNED]

Application Data Sheet

Associate Power of Attorney

Request and Certification Under 35 USC 122(b)(2)(B)(i)

Post Card

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Diane S. Nelson, Paralegal

Typed or printed name of person mailing paper or fee

*Diane S. Nelson*

Signature of person mailing paper or fee

NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])

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<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Tyrone L. Hardy
	Title	WHOLE BODY STEREOTACTIC LOCALIZATION SYSTEM	
	Atty Docket Number		70012-36-CIP

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 20, 2001

Date

  
Signature

Katy C. Fain, Reg. No. 42,520

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

1002221 "SECRET"